

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No. 04-10001-RGS

UNITED STATES OF AMERICA

v.

ARI ALVES TEIXEIRA

**MEMORANDUM OF POINTS AND AUTHORITIES REGARDING
DEFENDANTS REQUEST TENDER OF A CHANGE OF PLEA
PURSUANT TO NORTH CAROLINA V. ALFORD**

Now comes defendant, ARI ALVES TEIXEIRA, by the undersigned and requests this Honorable Court permit him to tender and thereafter to accept his plea of guilty to the offenses set out in this Indictment pursuant to North Carolina v. Alford, 400 U.S. 25, 37-38 (1970).

As grounds of this request the defendant says:

1. Such a plea is appropriate in a situation where the elements of the crime require knowing falsification or transfer of identification documents of the United States, knowing such documents were produced without lawful authority;
2. The defendant is a Brazilian national present in this country without requisite documentation, possessed of only of a rudimentary elementary education;
3. He understands only basic English (*or can respond to basic English commands from his assessment of the requirements of routine situations*), and neither speaks nor reads the language;
4. The defendant has been detained awaiting trial and the government has recently proposed a resolution of the charges in this indictment which would provide some certainty of release to the defendant¹ and would also expedite his return to his native country, Brazil;
5. The present situation aside, the defendant has been honestly employed while in this

¹ The defendant understands that the determination of his sentence is a matter exclusively for the Court and has received no threats or promises in connection with this proffered plea.

country as a member of the cleaning service crew at Joe's American Bar and Grille in the South Shore Mall, Braintree, Massachusetts and as a kitchen person at a "99" Restaurant and Grille in Rockland, Massachusetts;

6. He worked long hours at meager wages to accumulate money to send home to his family in Brazil. He supports his wife, a daughter, and his mother in that country and is desirous of returning to them and his country of origin;
7. He possesses a viable defense to the charges in the indictment which he is willing to forgo after considering all aspects of his current situation.

Respectfully submitted,
ARI ALVES TEIXEIRA
By his attorney,



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Dated: 5-17-04

I certify that a true copy of the above document was served upon the attorney of record for each other party by ~~M. J. D.~~ on the date stated herein

